

### REMARKS

The present remarks are responsive to the Office Action mailed on December 04, 2004. Claims 1-13 are pending in this application. Applicants have enclosed a terminal disclaimer disclaiming the terminal months of any patent granted on the subject application beyond the expiration date of the Coronado et al reference, U. S. Patent No. 6,806,227.

In view of the following remarks, Applicants respectfully submit that pending claims 1-13 are now in condition for allowance and Applicants respectfully request allowance of such claims.

### Discussion of the Office Action

In the Office Action of December 08, 2004, the Examiner rejected claims 1-13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,806,227.

### Discussion of claims 1-13 under Double Patenting Rejection

As set forth above, claims 1-13 stand rejected under the judicially created doctrine of double patenting. The Examiner stated that such claims are unpatentable over claims 1-17 of U.S. Patent No. 6,806,227, granted to Coronado et al.

In an offer of compromise to expedite the prosecution of the application, the Applicants have enclosed a TERMINAL DISCLAIMER disclaiming the terminal months of any patent granted on the subject application beyond the expiration date of the Coronado et al reference, U. S. Patent No. 6,806,227. Coronado et al. (U. S. Patent No. 6,806,227) is assigned to The Regents of the University of California, which is the same assignee as in the present application. In light of the filing of a Terminal Disclaimer, and the appropriate fee, the issue of a nonstatutory double patenting rejection with respect to claims 1-13 is rendered moot.

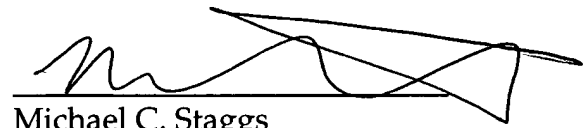
### CONCLUSION

The undersigned respectfully submits that, in light of the filing of the terminal disclaimer, the rejections of the claims raised in the Office Action dated December 08, 2004 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered and that pending claims 1-13 in this case be passed to

issue. In the event that the Examiner finds any remaining impediment to the prompt allowance of these claims that can be clarified with a telephone conference, she is respectfully requested to initiate the same with the undersigned at (925) 422-3682.

Respectfully submitted,

Dated: 1/03/05

A handwritten signature in black ink, appearing to read 'Michael C. Staggs', written over a horizontal line.

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